



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**December 29, 2005**

**For immediate release**

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**DNR INVESTIGATING FOURTH CARROLL COUNTY CREEK**

CARROLL – Another manure release has been located in a fourth Carroll County stream.

The release into Storm Creek was reported to the DNR by an anonymous caller on Wednesday. Storm Creek is located north of Carroll and west of Lidderdale. While the investigation is ongoing, at least one feedlot has been identified as in violation.

Reporting potential manure releases to the DNR as soon as you see them is critical, according to Alison Manz, an environmental specialist with the DNR's Atlantic field office.

"We cover 19 counties in our field office. Unfortunately, we can't walk every creek every time it rains or we have a thaw. We appreciate the public's help in identifying spills - we need to rely on their eyes," Manz said.

**For more information, contact Alison Manz at (712) 243-1934.**

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## MANURE INVESTIGATIONS ARE AN ONGOING PROCESS

CARROLL – For almost two weeks, Matt Rhodes, Alison Manz and other DNR environmental specialists have tromped through ice and cold, mud and manure to investigate how manure reached four separate creeks in Carroll County. And they're not done yet. These investigations can be complicated and take time to be done right.

Manure releases into Brushy Creek were quickly followed by another incident in Elk Run Creek. While investigations were taking place on these two streams, the DNR received calls from the public reporting brown water in both Buck Run Creek and Storm Creek, further complicating matters.

The staff from the DNR's Atlantic field office have spent 140 staff hours walking the creeks, driving through the watersheds (the area that drains into the creek) and taking water samples to determine the sources of manure. Rhodes has checked nearly every tributary of Brushy Creek for manure, taking him from the creek's headwaters west of Carroll to northwest Guthrie County. The watershed is four miles wide in some areas.

"That's an area of pretty significant size to look at," Rhodes said.

While water samples taken in the field can quickly give rough readings for ammonia, water samples for a number of other things, like *E. coli* bacteria, must be sent to a lab. Results from those samples, which indicate if manure or harmful chemicals are present in the water, can take five to 14 days to return from the lab. The DNR continuously samples and looks for discoloration in the water or ice, as well as manure solids in the water.

Manure runoff can also occur through underground tile lines, which are either plastic or clay pipe used to drain cropland. Mazes of private- and county-owned underground tile can make pinpointing a source of manure difficult, especially in the Elk Run Creek and Storm Creek watersheds. Manure can enter tile lines through tile inlets, or by seeping through the ground and into clay tile lines.

"Sometimes it's more complex than seeing manure going right into a stream," Manz said. "It could be the manure is coming through the tile from a site miles away from the stream."

DNR staff has used Geographic Information Systems (GIS) maps from the DNR and Carroll County to locate county tile lines in the areas surrounding the creeks. Then, they go out into the field to locate tile intakes, which are not on maps, to take samples to determine if manure is passing through the tile line.

In addition, DNR staff members are conducting on-site assessments at all registered feedlots in the Brushy Creek watershed. These assessments allow the DNR to provide technical assistance to landowners to prevent future manure releases.

Once the sources of manure are pinpointed, the DNR will issue notices of violation. Additional legal enforcement actions could be taken.

The DNR has been investigating Brushy Creek since it received a report of manure in the stream on Dec. 16, and Elk Run Creek since a similar report was received on Dec. 22. Buck Run Creek was reported to the DNR on Dec. 23, and Storm Creek was reported on Dec. 28. Anyone with information regarding the manure releases into these creeks should contact the DNR Atlantic field office at (712) 243-1934. Other suspected manure releases or fish kills should be reported to your local DNR field office or the DNR's 24-hour spill line at (515) 281-8694.

**For more information, contact Alison Manz, Matt Rhodes or Dan Stipe in the DNR Atlantic field office at (712) 243-1934.**

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## **SILVER LAKE RESIDENTS ASKED FOR INPUT ON WATER QUALITY IMPROVEMENT PLAN**

DES MOINES – The DNR will present plans for improving water quality at Silver Lake in Worth County at a public meeting Jan. 10. The draft water quality improvement plan will be discussed at 6 p.m. at Kuennen's Quarry Park, located two miles south of Northwood on Highway 65, then east on 450th Street.

The draft plan, also known as a TMDL or Total Maximum Daily Load, has been developed for Silver Lake. TMDLs are calculations used to determine how much of a pollutant a water body can receive and still maintain water quality standards.

The water quality improvement plan also includes information on how water quality can be improved through conservation efforts in the watershed, or the surrounding area that drains into the lake. After receiving public comments, the draft plan will be forwarded to the U.S. Environmental Protection Agency for final approval.

The water quality problems at Silver Lake are related to algae and turbidity, or cloudy water, which are associated with excessive nutrient loading, especially from phosphorus. Sediment and nutrients in Silver Lake are coming from agricultural lands in the watershed and are also being stirred up from within the lake to cause water quality problems. Excess nutrients make the lake aesthetically objectionable and less desirable for uses like swimming, but do not pose a specific human health threat.

Comments on the draft plan will be received through Feb. 3. Copies of the draft plan are available from the following sources, which can also be used to submit comments:

- Internet: [www.iowadnr.com/water/tmdlwqa/tmdl/publicnotice.html](http://www.iowadnr.com/water/tmdlwqa/tmdl/publicnotice.html)
- E-mail [chris.vangorp@dnr.state.ia.us](mailto:chris.vangorp@dnr.state.ia.us)
- Telephone: Chris Van Gorp at (515) 281-4791

- Mail: Chris Van Gorp, care of Iowa DNR, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319

**For more information, contact Chris Van Gorp at (515) 281-4791.**

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## **IOWA RENEWABLE ENERGY STUDY COMPLETED**

*Great potential for wind and biomass*

DES MOINES – The National Renewable Energy Laboratory recently completed an assessment of Iowa's technical potential for renewable energy development. The study found that Iowa has great potential to develop wind and biomass resources, with a combined technical potential of more than 8,750 MW. Landfill gas was found to be among the lowest cost renewable energy source, but only approximately 15 MW is available for development. Solar energy was found to have the highest relative development cost, but could provide 5,400 to 6,100 MW.

"This study shows that renewable energy can make real contributions to fulfilling Iowa's energy needs," said Brian Tormey, chief of the Energy and Waste Management Bureau.

The full study may be found online at

<http://www.iowadnr.com/energy/renewable/files/05rra.pdf>.

For more information, contact Jennifer Moehlmann with the DNR at (515)281-8518 or [Jennifer.Moehlmann@dnr.state.ia.us](mailto:Jennifer.Moehlmann@dnr.state.ia.us).

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## **TESTS FOR MANURE APPLICATORS START JAN. 11**

DES MOINES -- Both commercial and confinement site manure applicators can fulfill their training requirements by taking a test at a DNR field office between Jan. 11 and Feb. 24.

"Although we encourage people to take the training, because we update the information on management issues and rules every year, tests are an option," said Jeff Prier, the DNR coordinator for applicator certification.

However, for confinement site applicators who have missed one or more training sessions in the three-year certification cycle, tests are required before they can renew their certificates. The DNR will notify applicators who have missed training before the end of the year.

If planning to take a test, please reserve a spot by calling the appropriate DNR field office, because there is limited space available at most test sites. Applicants should bring a photo identification card, pencil and calculator to the test site.

The following testing locations and times have been scheduled:

Northeast Iowa, Jan. 13 or Jan. 27, 9 a.m. to noon, DNR Field Office, 909 West Main, Suite 4, Manchester, (563) 927-2640.

North Central Iowa, Jan. 11 or Jan. 12, 9 a.m. to noon, DNR Field Office, 2300 15<sup>th</sup> St. SW, Mason City, (641) 424-4073.

Northwest, Iowa, Jan. 20, 1 to 3 p.m., Iowa Lakes Community College, Gateway North Mall, 1900 Grand Ave., Spencer, (712) 262-4177.

Northwest Iowa, Feb. 13, 1 to 3 p.m., Iowa State University Extension, 110 West 4<sup>th</sup> St., Suite 100, Spencer, (712) 262-7177.

Southwest Iowa, Jan. 31 or Feb. 1, 1 to 3 p.m., DNR Field Office, 1401 Sunnyside Lane, Atlantic, (712) 243-1934.

South Central Iowa, Jan. 24 or Feb. 21, 2 to 4 p.m., DNR Field Office, 401 SW 7<sup>th</sup> St, Suite. I, Des Moines, (515) 725-0268.

Southeast Iowa, Jan. 10 or Feb. 15, 10 a.m. to noon, DNR Field Office, 1023 W. Madison, Washington, (319) 653-2135.

Applicators who choose testing instead of training will still be charged a \$25 education fee when they take the test. At this time, there is no education fee charged for make-up tests.

Applicators who have not renewed their expired certificates by March 1 cannot apply manure until their certificate is current, and they must pay a late fee of \$12.50 when they renew their certificates.

For more information about the certification program, check the DNR Web site at <http://www.iowadnr.com/afo/appcert.html> or the Iowa Manure Management Action Group's Web site at <http://extension.agron.iastate.edu/immag/mac.html>.

**For more information, contact Jeff Prier at the Spencer DNR Field Office at (712) 262-4177.**

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**FDA PROPOSES NEW GUIDANCE TO FURTHER REDUCE  
CHILDREN'S RISK FROM LEAD EXPOSURE IN CERTAIN  
CANDY**

DES MOINES – The Food and Drug Administration (FDA) issued a draft guidance document today that aims to further lower children's exposure to small traces of lead present in certain candies.

FDA has taken this action to significantly reduce the current guidance level for lead in food after testing of certain types of Mexican candy products showed evidence of lead contamination at levels above those presently allowed. The new guidance level that is proposed is 0.1 part per million (ppm) of lead, significantly lower than the current guidance level of 0.5 ppm.

“This new guidance level will further reduce an already minimal risk from lead exposure in candy,” said Acting FDA Commissioner Dr. Andrew von Eschenbach. “Today's action is part of our ongoing effort to educate consumers, promote good manufacturing practices, and protect public health, especially the health of our young children.”

When the California's Attorney General filed a lawsuit against Mexican candy companies last year, the state of Iowa purchased candy from across the state and had it tested at the University of Iowa Hygienic Lab. All candy purchased from retail establishments in Iowa did not contain any amount of lead. The problem is when Iowans visit Mexico and buy candy not inspected for exportation to the U.S., and then bring the candy back into Iowa. Almost all samples of candy that contained chiles (that were bought in Mexico) were found to contain high amounts of lead. A list of candies which have previously tested high for lead can be found at:

<http://www.ocregister.com/investigations/2004/lead/index.shtml>

FDA has always recognized that some amount of lead in food and food ingredients can occur due to unavoidable background levels present in the environment. However, the adverse health effects of elevated lead levels in children are well documented and may have long-lasting or permanent consequences. Thus FDA's goal is to reduce to the greatest extent possible the amount of lead in candy.

While most domestic and imported candies contain lead levels of 0.1 ppm or less, data that FDA gathered through sampling imported candy from Mexico and other information received by FDA revealed that certain ingredients often used in these candy products may be a source of avoidable lead exposure. These ingredients include chili powder and certain types of salt, which are used in these candies. Examples of these products include lollipops coated with chili, and powdery mixtures of salt, lemon flavor, and chili powder sold as a snack item.

In addition, FDA is concerned that there may be certain manufacturing processes or conditions that contribute to elevated lead levels in some of these candies, such as packing products or storing ingredients in improperly glazed ceramic vessels that may leach high levels of lead into the product.

To protect consumers, FDA will:

- Continue to closely monitor the lead levels in Mexican candy and other domestic and imported candy products, work with our Mexican counterpart regulatory agencies, and take appropriate regulatory action;
- Pursue avenues of outreach, such as interaction with the candy industry, to increase industry's awareness about certain process modifications that will reduce the levels of lead in candy products; and
- Continue to assist state and local officials in their efforts to reduce exposure to lead in candy.

FDA welcomes all comments on the draft guidance. The comments will be evaluated, and then FDA will prepare a final guidance document in 2006.

Written comments on the draft guidance may be submitted up to 75 days from the date it is published. Comments should be sent to FDA's Docket Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, Md. 20852.

The draft guidance is accessible on the FDA Web site at:

<http://www.cfsan.fda.gov/~dms/pbguid2.html>.

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## **RECYCLING PROPERTY TAX DEADLINE APPROACHES**

DES MOINES – Recycling centers and manufacturers of recycled products may be missing out

on an opportunity to take advantage of a property tax exemption. Iowa law provides a tax exemption for personal property and improvements to real property used in the processing of waste plastic, waste paper, waste wood or waste paperboard into a new raw material, or product

composed primarily of recycled materials. In the spring of 2003, the Iowa legislature expanded the law to include processing of waste wood products.

The deadline for applying for the tax exemption is February 1, 2006 for the first year the exemption is requested. To review the pollution control and recycling property tax exemption

administrative rules, visit Iowa Administrative Code Chapter 561-11 at:

[www.legis.state.ia.us/](http://www.legis.state.ia.us/).

The property tax application is available online at

<http://www.state.ia.us/tax/forms/54064.pdf>.

For more information or for a tax exemption application, contact your local county assessor or Jeff Geerts at the DNR at (515) 281-8176 or [Jeff.Geerts@dnr.state.ia.us](mailto:Jeff.Geerts@dnr.state.ia.us).

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## **SEWER LEAK IN OTTUMWA FIXED**

OTTUMWA – The City of Ottumwa investigated a leak from a sewage line Wednesday, after the leak was reported to the city.

The caller had found a leak in a wooded area in the north part of Ottumwa near Carter Court. City investigators traced the leak to an exposed sewer line where a six-inch clay pipe joint was seeping.

City staff dug the line up Thursday and repaired it, but do not know how long the pipe was leaking or the amount of sewage that leaked out.

The ravine where the pipe was found drains to Sugar Creek.

**For more information, contact Paul Brandt, DNR environmental specialist, at (319) 461-5092.**

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## **DNR ENFORCEMENT ACTIONS**

DES MOINES — The DNR took the following enforcement actions in December 2005 unless otherwise noted. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

### **Administrative Orders**

Responsible parties have 30 days to appeal the charges or 60 days to pay the penalty.

- Joel McNeil, of Algona, was ordered to submit an annual compliance fee and to pay a \$2,500 penalty. The order is in regard to failure to submit an annual compliance fee with a manure management plan for a site in Kossuth County. This order was taken in October.

### **Consent Orders**

A consent order is issued in settlement of an administrative order or as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

- The City of Springbrook agreed in a consent order to submit a long-range sludge management plan, retain sludge application records for five years and to pay a \$3,000 penalty. The order is in regard to wastewater violations resulting from a 2004 discharge from the city's lagoon system.



- The City of Macksburg agreed in a consent order to install a centralized sewer system and a controlled discharge lagoon system, and to pay stipulated penalties in the event the compliance schedule is not followed. The order is in regard to prohibited wastewater discharges.
- Terry Lee, of Webster, agreed in a consent order to pay a \$10,000 penalty. The order is in regard to illegal open dumping of solid waste at a site in Iowa County.
- Paul Shimp and S & V Fence Co., of Eldridge, agreed in a consent amendment to a 2004 administrative order to pay a \$550 penalty and a Supplemental Environmental Project (SEP). The Scott County Conservation Board will receive \$700 through the SEP and \$250 will be used to purchase an advertisement about open burning in the North Scott Press newspaper. The amendment is in regard to a 2004 administrative order regarding air quality violations. The penalty and SEP have been paid.
- Peter Westra, of Hull, agreed in a consent order to pay compliance fees for 2003, 2004 and 2005, and to pay a \$3,000 penalty. The order is in regard to manure management plan violations at a site in Sioux County.
- The City of Coin agreed in a consent order to comply with a schedule for wastewater facility improvements, to properly operate and maintain the existing wastewater collection and treatment facilities, and to pay stipulated penalties in the event that the compliance schedule is not met. The order is in regard to wastewater permit violations.
- The City of Pisgah agreed in a consent order to comply with a schedule for wastewater treatment facility improvements, to properly operate and maintain the existing wastewater collection and treatment facilities, and to pay stipulated penalties in the event that the compliance schedule is not met. The order is in regard to wastewater violations.
- TOMA Properties, L.L.C., of Iowa City, agreed in a consent order to plug an abandoned well and to pay a \$1,000 penalty if the well is not plugged. The order is in regard to continuous violations of Iowa's well plugging requirements at a site in Washington.

**For more information, contact Jessie Brown at (515) 281-5131 or [Jessie.Brown@dnr.state.ia.us](mailto:Jessie.Brown@dnr.state.ia.us).**